

## Message Text

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ACTION DLOS-07

INFO OCT-01 ARA-16 EUR-25 EA-11 NEA-14 ISO-00 IO-14 AF-10

RSC-01 CG-00 CIAE-00 DODE-00 PM-07 H-03 INR-11 L-03

NSAE-00 NSC-07 PA-04 PRS-01 SP-03 SS-20 USIA-15

AID-20 CEQ-02 COA-02 COME-00 EB-11 EPA-04 NSF-04

SCI-06 FEA-02 ACDA-19 AEC-11 AGR-20 DOTE-00 FMC-04

INT-08 JUSE-00 OMB-01 CIEP-03 CEA-02 TRSE-00 OIC-04

DRC-01 /297 W

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R 161956Z AUG 74

FM AMEMBASSY CARACAS

TO SECSTATE WASHDC 5368

INFO AMEMBASSY BOGOTA

AMEMBASSY BUENOS AIRES

AMEMBASSY CANBERRA

AMEMBASSY MEXICO

AMEMBASSY NEW DELHI

AMEMBASSY OSLO

AMEMBASSY OTTAWA

AMEMBASSY REYKJAVIK

AMEMBASSY SANTIAGO

USUN NEW YORK 762

AMEMBASSY WELLINGTON

C O N F I D E N T I A L SECTION 1 OF 2 CARACAS 7924

DEPT PASS TO UNDERSECRETARY MAW

FROM USDEL LOS

EO 11652: GDS

TAGS: PLOS

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SUBJ: LOS - ECONOMIC ZONE

1. SUMMARY: AMBASSADOR STEVENSON MET PRIVATELY WITH COASTAL STATE GROUP AUGUST 14 FOR CONSULTATIONS ON ECONOMIC ZONE, AND COMPARISON OF RESPECTIVE TEXTS. MEETING WAS CORDIAL AND SUBSTANTIVE, WITH ALL SIDES ATTEMPTING TO AVOID THEORETICAL ARGUMENTS. ANOTHER MEETING SCHEDULED FOR AUGUST 19. STEVENSON TOOK ACCOMMODATING POSITION ON EVENTUAL WORDING AND FISHERIES ENFORCEMENT, BUT INDICATED DIFFICULTY IN MOVING IN SUBSTANCE ON QUESTION OF HIGH SEAS RIGHTS OF ALL STATES IN ADDITION TO NAVIGATION AND OVERFLIGHT IN ZONE. END SUMMARY.

2. PARTICIPANTS INCLUDED CANADA (CHAIRMAN LAPOINTE), AUSTRALIA (HARRY), NEW ZEALAND (SMALL, ICELAND (ANDERSEN), INDIA (JAGOTO), NORWAY (VINDENES), MEXICO (CASTANEDA), VENEZUELA (MORALES), COLOMBIA (ZULETA), CHILE (ZEGERS,) ARGENTINA (LISTRE, KELLY), AND NAURITIUS.

3. SEVERAL POINTS REGARDING LANGUAGE IN U.S. DRAFT REVEALED SOME SUSPICION AS TO U.S. MOTIVES. NOTABLE AMONG THEM WERE:

(A) REFERENCE TO RIGHTS "SET FORTH IN THIS CHAPTER" IN ARTICLE I(1), DESPITE CLEAR STATEMENTS IN ARTICLES II AND 22 REGARDING RIGHTS ON FISHERIES AND CONTINENTAL SHELF (INDIA, CANADA).

(B) REFERENCE TO EXCLUSIVE RIGHTS "FOR THE PURPOSE OF REGULATING FISHING" IN ARTICLE II, SINCE THERE IS NO REFERENCE TO RIGHT TO RESERVE FISHERIES FOR UTILIZATION BY COASTAL STATE NATIONALS (MEXICO).

(C) GROUP IS TENDING TOWARDS USE OF TERM "SOVEREIGN RIGHTS" IN CONNECTION WITH FISHING (CANADA). ARGENTINA LATER INDICATED PRIVATELY UNDERSTANDING THAT DISTINCTION BETWEEN EXCLUSIVE RIGHTS FOR FISHING AND SOVEREIGN RIGHTS FOR SHELF WAS REGARDED BY SOME AFRICANS AS USEFUL IN LIMITING LANDLOCKED ACCESS TO FISHING, AND NOT MINERALS.

(D) LIMITATION OF RIGHT TO PROTECT THE ENVIRONMENT IN U.S. ARTICLE 5 TO INSTALLATIONS AND SEABED ACTIVITIES IMPLIED NO OTHER ENVIRONMENTAL RIGHTS (INDIA, MEXICO), ALTHOUGH THIS WAS RECOGNIZED AS NOT BEING THE INTENT (CANADA).

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4. POLLUTION: AFTER U.S. EXPLAINED THAT REFERENCE TO RIGHTS AND DUTIES WITH RESPECT TO POLLUTION QUALIFIED BY TERM "IN THE ECONOMIC ZONE" RATHER THAN TERM "IN AND THROUGHOUT THE ECONOMIC ZONE" IN ORDER NOT TO CLOSE THE DOOR ON POLLUTION PROVISIONS THAT APPLY IN ONLY PART OF ECONOMIC ZONE, CANADA, NORWAY AND MEXICO SAID THIS WAS EFFECT OF THEIR DRAFT ANYWAY, SINCE IT REFERRED TO RIGHTS AND DUTIES THAT REMAIN TO BE SPECIFIED.

CHILE SAID THROUGHOUT MEANS ALL OF THE ECONOMIC ZONE.

5. FISHERIES: INDIA MADE STRONG ATTACK ON ENFORCEMENT PROVISIONS, SAYING IF THERE WERE EXCLUSIVE RIGHTS, COASTAL STATE MUST ENFORCE THEM. OTHERS SIGNALLED AGREEMENT. WHILE OBJECTING TO A STRICT DUTY ON FULL UTILIZATION, INDIA WAS WILLING TO INCLUDE THE PRINCIPLE IF IT IS LINKED TO INVESTMENT IN COASTAL STATE FISHERIES DEVELOPMENT. MEXICO DID NOT OBJECT TO A DUTY TO CONTRIBUTE TO CONSERVATION OR TO FULL UTILIZATION, BUT THESE SHOULD BE PHRASED IN VERY GENERAL WAY, NOT AS CATEGORICAL LEGAL OBLIGATION. MANY DEVELOPING COUNTRIES CANNOT FULLY EVALUATE ALL THE DETAIL AND WILL BE SEARED. MOREOVER, COASTAL STATE MUST BE FREE TO CHOOSE WHO FISHES OFF COAST, AND ALTHOUGH TRADITIONAL FISHING IS A PROBLEM, PRIORITIES CANNOT BE SPECIFIED. "WE WANT TO CHOOSE THE BRIDE WITH THE LARGEST DOWRY." BASIC PRINCIPLE IS COASTAL STATE RIGHT TO UTULIZE 100 PERCENT ITSELF, COUPLED WITH ALLOWING FOREIGN FISHING WHEN IT CANNOT DO SO ITSELF. AUSTRALIA, NEW ZEALAND AND NORWAY STRESSED SIMILARITY OF CONCEPT BETWEEN U.S. AND GROUP MEMBERS, AND SUGGESTED THAT PROBLEM WAS MAINLY ONE OF EMPHASIS AND DETAIL, NOT ONE OF FUNDAMENTAL APPROACH.

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AMEMBASSY WELLINGTON

C O N F I D E N T I A L FINAL SECTION OF 2 CARACAS 7924

6. DISPUTE SETTLEMENT: CHILE SAID QUESTION OF DISPUTE SETTLEMENT MUST BE "FROZEN" UNTIL SUBSTANCE IS DISCUSSED. (WE NOTICED THAT HIS COPY OF U.S. DRAFT HAD "NO" WRITTEN IN NEXT TO DISPUTE SETTLEMENT CLAUSE.) ICELAND SAID KEY QUESTION IS WHETHER DISPUTE SETTLEMENT APPLIES TO COASTAL STATE DETERMINATION OF ALLOWABLE CATCH AND ITS HARVESTING CAPACITY, IMPLYING IT SHOULD NOT.

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7. NAVIGATION, OVERFLIGHT, AND OTHER RIGHTS: MEXICO CRITICIZED U.S. ARTICLE 7 AS EXPRESSING HIGH SEAS THEORY OF ECONOMIC ZONE. OBJECT WAS TO SPECIFY CERTAIN RIGHTS OF COASTAL STATES, CERTAIN RIGHTS OF OTHER STATES, AND LET THE SCHOLARS DEBATE THE RESIDUAL RIGHTS QUESTION. WE SAID IT WOULD BE MUCH MORE DIFFICULT TO ACCOMMODATE OTHER VIEWS ON THIS POINT. CANADA AND INDIA POINTED OUT THAT "OTHER RIGHTS" IN ADDITION TO NAVIGATION AND OVERFLIGHT WERE PROTECTED IN COASTAL STATE DRAFT, AND MEXICO IMPLIED THAT FURTHER DRAFTING WOULD BE POSSIBLE, "BUT IT MUST BE NEUTRAL." CANADA ALSO SAID THIS MIGHT BE EASIER TO RESOLVE WHEN OTHER QUESTIONS (IMPLICITLY POLLUTION AND RESEARCH) WERE SETTLED.

8. FURTHER MEETINGS: CANADA SAID WE COULD BE FLEXIBLE ABOUT WHEN TO MEET AGAIN AND NEED NOT FIX DATE NOW. MEXICO, NEW ZEALAND, COLOMBIA, NORWAY AND AUSTRALIA FAVORED FIXING A FIRM DATE IMMEDIATELY. CHILE FAVORED EARLY NEXT WEEK, SINCE AFRICAN DRAFT ON ECONOMIC ZONE IS DUE TO BE INTRODUCED LATER THIS WEEK. DATE FIXED FOR MONDAY, AUGUST 19.

9. COMMENT: WE ARE ALREADY RUNNING INTO SIGNS THAT PROBLEM WILL BE THAT GROUP MEMBERS SYMPATHETIC TO US ARE RESTRAINED BY NEED TO MAINTAIN GROUP UNITY. CANADA SEEMED PARTICULARLY WEDDED TO GROUP LANGUAGE, INCLUDING TEXTS VARIOUSLY INTERPRETED BY GROUP MEMBERS. LATINS AND INDIA SEEM TO FEEL LESS COMPUNCTION ABOUT STRIKING OUT ON THEIR OWN, AND THIS MAY HEIGHTEN CANADIAN

EMPHASIS ON GROUP UNITY IN LIGHT PROBABLY GOC FEARS THAT U.S.'S  
LDC SETTLEMENT MIGHT NOT INCLUDE ACCOMMODATION OF CANADA'S  
POLLUTION CONCERNS. WE BELIEVE CANADIANS ARE LESS THAN  
ENTHUSIASTIC ABOUT GROUP CONSULTATIONS WITH U.S.  
COMMENTS ON FULL UTILIZATION OF FISHERIES WERE PARTICULARLY  
ENCOURAGING WHEN CONSIDERED IN LIGHT PREVIOUS OPPOSITION,  
BUT IT IS CLEAR COASTAL STATES WILL WANT DISCRETION. ARGENTINA  
(KELLY) TOLD OXMAN AFTER MEETING THAT IT IS CLEAR WE ARE NOT IN  
FUNDAMENTAL DISAGREEMENT, AND THAT THERE SHOULD BE REAL  
NEGOTIATION WITH THE U.S.  
STEVENSON

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## Message Attributes

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**Disposition Approved on Date:**  
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**Review Content Flags:**  
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**TAGS:** PLOS, VE, CARACAS  
**To:** STATE  
**Type:** TE  
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